

<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Oregon on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. 09-3027-PA	DATE FILED 3/16/2009	U.S. DISTRICT COURT District of Oregon
PLAINTIFF  David Austin Roses, Ltd.		DEFENDANT  Jackson & Perkins Wholesale, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 - See Attached -		
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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3			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT  Judgment and Permanent Injunction for Plaintiff, David Austin Roses, Ltd.
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CLERK  Mary L. Moran	(BY) DEPUTY CLERK  <i>Deborah Johnson</i>	DATE  2/24/2010
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

35. Defendant Jackson's continued growth and sales of patented roses, without paying the royalties required under the Agreement, are unauthorized, and constitute patent infringement.

36. Upon information and belief, Defendant Jackson has infringed, and will continue to infringe until enjoined by this Court, at least the following patents:

*PP*  
U.S. Plant Pat. No. 7215 —

U.S. Plant Pat. No. 7220 —

U.S. Plant Pat. No. 8688 —

U.S. Plant Pat. No. 8765 —

U.S. Plant Pat. No. 9527 —

U.S. Plant Pat. No. 11421 —

U.S. Plant Pat. No. 13315 —

U.S. Plant Pat. No. 13484 —

U.S. Plant Pat. No. 14943 —

U.S. Plant Pat. No. 16300 —

U.S. Plant Pat. No. 18713 —

True and accurate copies of the above-referenced patents are attached hereto as Exhibits 2-12.

Defendant Jackson has direct knowledge of these patents, and its failure to pay royalties, and subsequent patent infringement, constitutes willful infringement.

37. This is an "exceptional case" within the meaning of 35 U.S.C. § 285.